

# ALGERIA 2022 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Algeria is a multiparty republic whose president, the head of state, is elected by popular vote for a five-year term. The president has the constitutional authority to appoint and dismiss cabinet members and the prime minister, who is the head of government. President Abdelmadjid Tebboune won the 2019 presidential election, which followed mass popular demonstrations (known as the *hirak*) throughout 2019 calling for democratic reforms. Observers characterized the elections as well organized and conducted without significant problems or irregularities, but they noted restrictions on civil liberties during the election period and lack of transparency in vote-counting procedures. The country held a constitutional referendum in November 2020, followed by legislative elections in June 2021. Official voter turnout was 23 percent, the lowest in the country's history for a parliamentary election.

The 130,000-member National Gendarmerie, which performs police functions outside urban areas under the auspices of the Ministry of National Defense, and the 200,000-member General Directorate of National Security or national police, under the Ministry of Interior, share responsibility for maintaining law and order. The army has some domestic security responsibilities. Civilian authorities generally maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment or punishment by members of the security forces; arbitrary arrest and detention; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; unlawful interference with privacy; serious restrictions on free expression and media, including unjustified arrests and prosecutions of journalists, censorship and enforcement of criminal libel laws to limit expression; serious restrictions on internet freedom; substantial interference with freedoms of peaceful assembly and association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; severe

restrictions of religious freedom; restrictions on the right to leave the country; refoulement of refugees to a country where they would face a threat to their life or freedom; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence against women; trafficking in persons; the enforcement of laws criminalizing consensual same-sex sexual conduct between adults; significant restrictions on workers' freedom of association; and minimal advancement on eliminating the worst forms of child labor.

The government took some steps to investigate, prosecute, or punish public officials who committed human rights abuses, especially corruption. The General Directorate of National Security conducted investigations into allegations of mistreatment and took administrative actions against officers it deemed to have committed abuses. The Ministry of Justice reported no prosecutions or convictions of civil, security, or military officials for torture or other abusive treatment. Impunity for police and security officials remained a problem.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports during the year that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

There were reports of disappearances by or on behalf of government authorities.

Local media and human rights organizations reported that the Rapid Intervention Force (BRI), accompanied by the gendarmerie, took prominent hirak activist Abdelhamid Bouziza from his home in Tlemcen on October 19. Authorities did not address his detention until November 8, when they announced he was being held in Hay El Darwich prison in Blida on terrorism charges. On November 23, Amnesty International called for an investigation into what the organization considered the 20-day forced disappearance of Bouziza.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The law prohibits such practices, but there were credible reports that government officials employed them. The law prescribes prison sentences of between 10 and 20 years for government agents found guilty of torture. Human rights organizations reported police occasionally used excessive force against suspects, including protesters and whistleblowers exercising their right to free speech, that could amount to torture or degrading treatment.

During a court appearance on June 19 and again during an August 28 appeal, former soldier turned activist Mohamed Benhalima alleged torture, beatings, and sexual abuse by authorities during his imprisonment. There has been no official investigation into the allegations. Benhalima had denounced corruption in the military beginning in 2019 while living in exile in Spain following his participation in the hirak protest movement. Authorities arrested Benhalima upon his expulsion from Spain in March. Benhalima's attorney and prominent human rights organizations alleged authorities tortured Benhalima during his initial confinement in El Harrash prison in Algiers, as well as during a period of confinement in Saoula prison in a neighborhood of Algiers. Amnesty International reported that Benhalima was transferred to solitary confinement at El-Blida military prison on April 28. Benhalima remains in prison as of the end of the year.

The Ministry of Justice stated there were no prosecutions of police officers for abuse during the year. Local and international nongovernmental organizations (NGOs) asserted that impunity in security forces was a problem.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to physical abuse and inadequate medical care.

The penal code prohibits the detention of suspects in any facilities not designated for the alleged crime. The local prosecutor has the right to visit detention facilities at any time. Convicted terrorists had the same rights as other inmates but were held in higher security prisons based on the danger they posed. The government

used specific facilities for prisoners younger than age 27. The Ministry of Justice's General Directorate for Prison Administration and Resettlement (DGAPR) maintained different categories of prisons that also separated prisoners according to the lengths of their sentences.

**Abusive Physical Conditions:** The Ministry of Justice reported an average overcrowding rate of 4 percent and stated it balanced the prison population across facilities to alleviate overcrowding. Some human rights organizations attributed overcrowding in detention facilities to continued overuse of pretrial detention, which is legally allowed only in exceptional cases.

Prison authorities separated vulnerable persons but provided no specific legal protections for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons in prison.

On April 24, authorities announced the death in custody of hirak activist Hakim Debazi. Authorities had placed Debazi in pretrial detention following his February 20 arrest stemming from his posts on social media, and charged him with “insulting public officials,” and publishing content that was “harmful to the national interest.” Authorities state that Hakim Debazi fell ill on April 17 and was transferred to the Beni Mesous hospital west of Algiers, where he died. The Ministry of Justice submitted an autopsy report to Debazi's family on April 28. Human rights activists criticized authorities for not providing proper medical care and have called for an investigation into his death (see section 1.e).

**Administration:** The Directorate General for National Security (DGSN) reported it conducted investigations into 154 allegations of mistreatment, a 25 percent decrease from the previous year, and took administrative actions against officers it deemed to have committed abuses, including suspensions. Religious workers reported they had access to prisoners during the year, and authorities allowed detainees access to religious observance. The DGSN reported it conducted 55 human rights-focused training sessions for 2,839 police officers during the year in all 58 states, a significant increase from the previous year.

**Independent Monitoring:** The government allowed the International Committee of the Red Cross (ICRC) and local human rights observers to visit prisons and

detention centers. ICRC staff visited prisons under the jurisdiction of the Ministry of Justice. ICRC was also authorized to visit persons detained in police custody at facilities operated by the Ministry of Interior and at Ministry of Defense gendarmerie stations. ICRC continued its dialogue with the Ministry of Justice to promote conditions of detention and treatment compatible with minimum detention standards. ICRC also engaged in exchange of expertise, trainings, and the promotion of international humanitarian law with numerous stakeholders including Ministry of Defense, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of Interior. Minister of Justice Abderrachid Tabi publicly stated that magistrates made 12,515 unannounced monitoring visits to detention centers to ensure the protection of the rights of detainees. The government did not publicly report this data in previous years.

**Improvements:** During the year the Ministry of Justice reported several improvements to prison conditions, including increasing the number of prisons with public telephones to 100, and developing a Hygiene Performance Evaluation Manual to establish enforceable sanitary standards. Authorities also instituted training programs for prison officials on national and international legal protections for detainees, as well as training for special protections for women and minors in prisons. The Ministry of Justice approved lifting COVID-19 restrictions related to visitation rights for children under 16 years of age, and the resumption of food deliveries by family members once every two weeks.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not consistently observe these requirements. A detainee also has the right to appeal a court's pretrial detention order and, if released, seek compensation from the government. Nonetheless, the government has increasingly used pretrial detention in response to the *hirak* movement since 2019, and the overuse of pretrial detention remained a problem during the year. Security forces routinely detained individuals who participated in unauthorized protests or publicly criticized the government. Arrested individuals reported that authorities held them for four to eight hours before releasing them without charges.

## **Arrest Procedures and Treatment of Detainees**

According to the law, police must obtain a summons from the prosecutor's office to require a suspect to appear in a police station for preliminary questioning. With this summons, police may hold a suspect for no more than 48 hours. Authorities also use summonses to notify and require the accused and the survivor to attend a court proceeding or hearing. Police may make arrests without a warrant if they witness the offense. Lawyers reported that authorities usually, but not always, carried out procedures for warrants and summonses properly.

If authorities need more than 48 hours to gather additional evidence, they may extend a suspect's time in police detention with the prosecutor's authorization in the following cases: if charges pertain to an attack on data processing systems, they may extend the time in detention once; if charges relate to state security, they may do so twice; for charges concerning drug trafficking, organized and transnational crime, money laundering, and other currency-related crimes, they may do so three times; and for charges related to terrorism and other subversive activities, they may do so five times for a maximum of 12 days. The law stipulates detainees should immediately be able to contact a family member, receive a visit, or contact an attorney.

The law provides detainees the right to see an attorney for 30 minutes if authorities extend the time in detention beyond the initial 48-hour period. In these cases, authorities permit the arrested person to contact a lawyer after one-half of the extended time has expired. Prosecutors may apply to a judge to extend the period before arrested individuals can have access to an attorney. The court appearance of suspects in terrorism cases is public. At the end of the detention, the detainee has the right to request a medical examination by a physician of choice within the jurisdiction of the court. Otherwise, the judicial police appoint a doctor. Authorities enter the medical certificate into the detainee's file.

In nonfelony cases and in cases of individuals held on terrorism charges and other subversive activities that exceed a 12-day period plus any authorized extension, the law calls for the release of suspects on provisional liberty, referred to as "judicial control," or release on own recognizance while awaiting trial. Under provisional liberty status, authorities subject suspects to requirements such as reporting

periodically to the police station in their district, stopping professional activities related to the alleged offense committed, surrendering all travel documents, and, in some terrorism-related cases, residing at an agreed-upon address. The law provides that foreigners may be required to furnish bail as a condition of release on provisional liberty status, while citizens may be released on provisional liberty without posting bail.

Judges rarely refused requests to extend pretrial detention. During the year the Ministry of Justice reported an average pretrial detention of four months. The defendant has the right to request compensation if a court overturns the detention. Most detainees had prompt access to a lawyer of their choice as accorded by law, and the government provided legal counsel to indigent detainees. There were reports that authorities held some detainees without access to their lawyers and abused them physically and mentally.

**Arbitrary Arrest:** Although the law prohibits arbitrary arrest and detention, authorities used vaguely worded provisions that criminalize “inciting an unarmed gathering,” “harming national unity,” “publishing fake news,” or “insulting a government body” to arrest and detain individuals they considered to be disturbing public order or criticizing the government. Amnesty International, Human Rights Watch, and other prominent human rights organizations criticized laws prohibiting unauthorized gatherings and criminalizing actions that “harm national unity” as significant sources of arbitrary arrests intended to suppress political activism. Police arrested protesters throughout the year for violating the law against unregistered public gatherings.

According to the National Committee for the Release of Detainees (CNLD), at least 250 persons were arbitrarily detained for expressing their opinion during the year. As of November, human rights activists estimated the total to be higher than 300. On March 7, the UN High Commissioner for Human Rights (OHCHR) expressed concern on the use of arbitrary arrest to suppress peaceful demonstrations and called on the government to take steps to guarantee the rights to freedom of speech, association, and peaceful assembly.

On August 7, prison authorities released hirak activists Mohamed Tadjadit, Souheib Debbaghi, Tarek Debbaghi, and Nouredine Khimoud after they had been

arrested and held for 16 months in prison. Police had arrested them, along with Malik Riahi in April 2021, on charges of “publishing fake news,” related to a video by the activists alleging police sexually assaulted a boy, age 15. In March, Amnesty International and other human rights organizations condemned the arrest and detention of all five activists, reporting Tadjadit, Riahi and Souheib Debbaghi were “kicked, slapped and beaten in prison.” As of November, Riahi remained in prison for a March conviction on terrorism charges, which according to Amnesty International was for “having briefly been the administrator of the Facebook page of whistleblower and ex-military officer Mohamed Abdallah.” On October 23, police detained Tadjadit again for publishing false information, stemming from Facebook posts critical of the government. On November 15, police summoned the four released activists to announce their case was being re-opened.

**Pretrial Detention:** Prolonged pretrial detention remained a problem. The length of pretrial detention frequently equaled or exceeded the maximum sentence for the alleged crime.

Nongovernmental observers stated they believed pretrial detainees were a significant portion of the total detainee and prisoner population but did not have specific statistics. According to the Ministry of Justice’s figures, 16.5 percent of the prison population was in pretrial detention.

The law limits the grounds for pretrial detention and stipulates that before a judge can impose it, they must assess the gravity of a crime and whether the accused is a threat to society or a flight risk. Judges, however, rarely refused prosecutorial requests to extend pretrial detention. Amnesty International alleged that authorities sometimes detained individuals on security-related charges for longer than the 12-day prescribed period and further alleged that many of those arrested for peacefully protesting or exercising their right to freedom of expression have been held in pretrial detention without scheduled trials or accepted requests for bail. Former Minister of Culture Khalida Toumi was held in pretrial detention for two years before being convicted in April on corruption charges. She was granted interim bail and released from Kolea prison on July 27.

On October 19, Mohamed Mouloudj, a journalist for *Liberte*, was released from Kolaa prison after 13 months of pretrial detention. His release followed a long-



awaited verdict in which Mouloudj received a one-year sentence but was released with credit for time served and placed under “judicial supervision” for the remainder of his sentence. Mouloudj was arrested and charged with spreading false news, harming national unity, and belonging to a terrorist group, and placed in pretrial detention in September 2021.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary. The judiciary, however, was not always independent or impartial in civil matters and lacked independence according to some human rights observers. Some alleged the status of individuals on trial influenced judicial decisions. While the constitution provides for the separation of powers between the executive and judicial branches of government, the executive branch’s broad statutory authorities limited judicial independence. The constitution grants the president authority to appoint all prosecutors and judges. These presidential appointments are not subject to legislative oversight but are reviewed by the High Judicial Council, which consists of the president, minister of justice, chief prosecutor of the Supreme Court, 10 judges, and six president-appointed individuals outside the judiciary. The president serves as the president of the High Judicial Council, which is responsible for the appointment, transfer, promotion, and discipline of judges.

### **Trial Procedures**

The constitution provides for the right to a fair trial, but the judiciary did not always enforce this right. Most trials are public, except when the judge determines the proceedings to be a threat to public order or “morals.” The penal code stipulates that defendants have the right to free interpretation as necessary. Defendants have the right to be present during their trial but may be tried in absentia if they do not respond to a summons ordering their appearance. Human rights organizations stated that courts denied some defendants’ requests to delay court proceedings when their lawyers were not present.

### **Political Prisoners and Detainees**

International and local observers alleged that authorities used antiterrorism laws and restrictive laws on freedom of expression and public assembly to detain

political activists and outspoken critics of the government (see section 2. a.).

The CNLD categorized the more than 250 arbitrarily detained individuals as political prisoners (see section 1.d.). This number was a more than 20 percent increase in political prisoners from the previous year. Other prominent human rights activists estimated the number of political prisoners to be higher than 300 as of November. They included journalists, activists, lawyers, opposition figures, and hirak protesters. International human rights organizations and local civil society groups repeatedly called on the government to release all political prisoners.

On May 14, authorities arrested prominent human rights activist Rachid Nekkaz along with his attorney Abdelkader Chohra and placed them in pretrial detention. On May 31 Yacine Khelifi, another one of Nekkaz's legal representatives, was detained on undisclosed charges. On August 15, the Court of Chlef sentenced Nekkaz to one year in prison, reduced on appeal October 9, for organizing an unauthorized rally demanding an investigation into the death in custody of hirak activist Hakim Debazi (see section 1.c.) as well as the release of all prisoners of conscience. Khelifi and Chohra received six-month suspended sentences and were released from prison on August 15. As of the end of the year, Nekkaz remained incarcerated on a separate charge of "organizing an illegal gathering" and allegedly attempting to "prevent citizens from voting." An appeals court in Algiers had increased his sentence in that case from one year to five years on July 5. The government subsequently granted an 18-month reduction of his sentence, and at year's end he was appealing the remaining time on his sentence.

## **Amnesty**

On July 5, President Tebboune pardoned more than 14,000 prisoners as part of the 60th anniversary of the country's independence, which included the release of a small, unspecified number of hirak detainees.

## **Transnational Repression**

During the year, Human Rights Watch and other civil society organizations highlighted the case of transnational repression targeting activist Slimane Bouhafs, who disappeared in August 2021 from his home in Tunisia and reappeared in Algerian custody one week later. On December 16, a court in Algiers sentenced

Bouhafs to three years in prison and a fine of 100,000 dinars (\$730) for “belonging to a terrorist organization,” alleging he was a member of the Self-Determination of Kabylie (MAK) group, which the government designated a terrorist organization in 2021. During the trial Bouhafs alleged physical and verbal abuse during his rendition from Tunisia to Algeria. Bouhafs had fled to Tunisia in 2018, where he held UNHCR-recognized refugee status, following his release from prison. The government had sentenced Bouhafs for “denigrating Islam” in a Facebook post. Human Rights Watch reported that Bouhafs’ family alleged men abducted Bouhafs in Tunisia, put a bag over his head, and drove him across the border to a police station in Algiers, allegations which Bouhafs repeated during his December 15 court hearing.

### **Civil Judicial Procedures and Remedies**

Individuals may bring lawsuits, and administrative amnesty processes may provide damages to the victims or their families for human rights abuses and compensation for alleged wrongs. Human rights activists stated the courts were insufficiently independent to provide effective recourse for human rights abuses. Individuals may appeal adverse decisions to international human rights bodies, but their decisions cannot be legally enforced.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions but there were reports that the government failed to respect these prohibitions. The constitution provides for the protection of a person’s “honor” and private life, including the privacy of home, communication, and correspondence. The law also allows authorities to conduct domestic surveillance and requires internet and telephone providers cooperate with the Defense Ministry. According to human rights activists, citizens widely believed the government conducted frequent electronic surveillance of a range of citizens, including political opponents, journalists, human rights groups, and suspected terrorists. Security officials reportedly visited homes unannounced and conducted searches without a warrant. The Ministry of National Defense cybercrime unit coordinated the government’s anti-cybercrime efforts and engaged in preventive surveillance of electronic communications in the interests of national security, but

it did not provide details regarding the limits of surveillance authority or corresponding protections for persons subject to surveillance.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provides for freedom of expression, including for members of the press and other media, but the government on some occasions restricted these rights. Independent media outlets regularly criticized and satirized government officials and policies. The government harassed critics, arbitrarily enforced vaguely worded laws, and informally pressured publishers, editors, advertisers, and journalists. Some media figures alleged the government used its control over most printing houses and significant funding of public-sector advertising preferentially, and that the lack of clear regulations over these practices permitted the government to exert undue influence on press outlets.

**Freedom of Expression:** Although public debate and criticism of the government were widespread, journalists and activists were limited in their ability to criticize the government on topics crossing unwritten “red lines.” The law criminalizes spreading “false news” that “harms national unity” and does not distinguish among news reports, social media, and other media. Penalties include prison terms of two to five years as well as fines. The law also criminalizes “hate speech.” A law remains in place criminalizing speech relating to security force conduct during the internal conflict of the 1990s, although the government stated there had been no arrests or prosecutions under the law during the year. Government officials also monitored political party meetings.

Local press outlets reported on December 23 that authorities had arrested Ishane El Kadi, the director of independent online media outlets Radio M and Maghreb Emergent, during a nighttime raid on his home. The following day, authorities brought El Kadi in handcuffs to the shared office of Radio M, Maghreb Emergent, and their parent company Interface Media, where they confiscated computers and documents before sealing the premises. As of the end of the year, El Kadi remained in custody without any formal charges having been announced. Human

rights organizations, including the Committee to Protect Journalists condemned the arrest and closures, and called for El Kadi's release. Authorities previously charged El Kadi with terrorism in November and dropped the charges a week later (see section 2.a., National Security).

On November 9, a court sentenced university professor Hakima Sbahi to six months in prison on charges of "contempt of the president and contempt of law enforcement forces" after Sbahi posted a Facebook message critical of the government. She remains free pending an appeal of her conviction. In a separate case on November 8, a prosecutor requested a one-year prison sentence for university professor Lounici Latifa on charges of "publishing false information that could harm public order and the national interest," "inciting an unarmed gathering," and "contempt of the president and law enforcement forces," also for a Facebook post critical of the government.

The National Agency for Publishing and Advertising (ANEP) controlled public advertising for print media, and most daily newspapers depended on ANEP-authorized advertising to finance their operations. Press outlets reported taking extra caution before publishing articles critical of the government or government officials due to fear of losing revenue from ANEP. According to the NGO Reporters without Borders, private advertising existed but frequently came from businesses with close links to the ruling political party. ANEP stated its support for a pluralistic press and freedom of information and noted that it funded opposition newspapers.

Some major news outlets faced direct and indirect retaliation from the Audiovisual Regulatory Authority (ARAV) for criticism of the government. The accreditation for France 24, cancelled by Communication Minister Ammar Belhimer in June 2021 for what the minister called the media outlet's "clear and repeated hostility towards our country and its institutions," remained cancelled as of year's end. Since the withdrawal of France 24's accreditation, several foreign news outlets reported that journalists – both foreign and local – faced bureaucratic hurdles and needed to navigate murky procedural processes to operate.

The law mandates that online news outlets must inform the government of their activities but does not require them to request authorization to operate.

**Violence and Harassment:** Authorities subjected some journalists to harassment and intimidation. Journalists reported that selective prosecutions served as a mechanism for intimidation. According to Reporters without Borders, the government intimidated activists and journalists. The government's actions included harassment of some critics, arbitrary enforcement of vaguely worded laws, and informal pressure on publishers, editors, advertisers, and journalists.

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Organizations wishing to initiate regular publications must obtain authorization from the government. The law requires the director of the publication to be a citizen. The law additionally prohibits local periodicals from receiving direct or indirect material support from foreign sources. The ministry's Media Directorate is responsible for issuing and renewing accreditations to foreign media outlets operating in the country. Although this accreditation is required to operate legally, the ministry did not accredit most foreign media. Regulations require the shareholders and managers of any radio or television channel to be citizens and prohibit them from broadcasting content that offends "values anchored in Algerian society."

On September 8, authorities in Algiers arrested Belkacem Haouam, a reporter for the local independent daily newspaper *Echorouk*, after he responded to a summons for questioning. Haouam's summons concerned an article published on September 7 about the Ministry of Commerce's decision to suspend date exports due to their high levels of pesticides. The ministries of commerce and agriculture denounced the article as "based on unjustified information, devoid of any substance, and harmful to the national economy and its resources." On the day of Haouam's arrest, *Echourouk* withdrew the article from its website, and the paper no longer appeared in daily news kiosks. Following the arrest, ARAV warned media against spreading false information likely to harm the national economy. On October 25, a court convicted Haouam of publishing false information, and he received a one-year suspended sentence with two-months of incarceration. On November 8, he was released from prison.

On October 11, police arrested Nadir Kerri, editor of the online publication *AutoJazair*, for his article on President Tebboune's new vehicle import policy. Kerri's article included a largely positive summary of President Tebboune's

October 9 decision to resume new vehicle imports, although it also contained speculation on the impact the policy may have on domestic auto prices. On October 12, authorities provisionally released Kerri and placed him under “judicial control,” meaning the threat of charges remains.

**Libel/Slander Laws:** The law provides for up to three years’ imprisonment for publications that “may harm the national interest” or up to one year for defaming or insulting the president, parliament, army, or state institutions. Government officials monitored political meetings. Authorities arrested and detained citizens for expressing views deemed damaging to state officials and institutions, including the use of the Amazigh flag during protests, and citizens practiced self-censorship in expressing public criticism.

NGOs and observers criticized the law on defamation as vaguely drafted and stated the definitions in the law failed to comport with internationally recognized norms. The law defines defamation as “any allegation or imputation of a fact offending the honor or consideration of a person, or of the body to which the fact is imputed.” The law does not require that the fact alleged or imputed be false or that the statement be made with malicious intent to damage another individual’s reputation. The Ministry of Justice did not provide information on the percentage of defamation claims that originated from private citizens, as opposed to government officials. Defamation laws specify that former members of the military who make statements deemed to have damaged the image of the military or to have “harmed the honor and respect due to state institutions” may face prosecution.

On November 16, a court sentenced the president of the Justice and Proclamation party and former MP Naima Salhi to six months in prison and 150,000 dinar (\$1,000) in damages paid to a former Ministry of Interior employee. The employee had sued Salhi in 2020 for defamation, claiming Salhi had used a pejorative that implied disloyalty to the country based on the employee’s Kabylie heritage. The public prosecutor added charges of “undermining national unity.” As of November, Salhi remained free while her appeal of the decision is pending.

The law criminalizes statements denigrating Islam or insulting the Prophet Muhammed or “messengers of God.”

Local media reported that on June 3 the Anti-Cybercrime Brigade of the Judicial Police of Constantine arrested a man for a Facebook post displaying cartoons and pictures deemed offensive to the Prophet Mohamed and other prophets of Islam. There was no information available on the status of this case at the end of the year.

## **National Security**

Authorities cited broad provisions under the penal code, including membership in a terrorist organization, to arrest or punish critics including journalists and human rights defenders. In February the Middle East Institute reported that 59 detainees were being held under expanded terrorism-related charges under the penal code that the NGO reported were being imposed on “peaceful political activists.”

On November 30 a court sentenced Hassan Bouras, a well-known human rights’ activist with the Algerian League for the Defense of Human Rights (LADDH), to two years in prison, with a one year suspended sentence and he was released with time served. Bouras had been detained since his September 2021 arrest for membership in a terrorist group, spreading false information, and offending public bodies, among other charges related to posts he made on social media. Bouras had been previously imprisoned for his criticism of the government, according to Human Rights Watch.

On November 10, journalist Ihsane El Kadi, director of the popular news outlets Maghreb Emergent and Radio M, was charged with “financing terrorism” after Radio M awarded a cash prize to Human Rights Defender Zaki Hannache for achievements in investigative journalism. Authorities also charged Hannache in the same case for “apology for terrorist acts,” “undermining unity,” and “dissemination and publication of false information aimed at undermining the national interest,” related to Hannache’s human rights activism. Authorities dropped terrorism charges against El Kadi and Hannache on November 17, after 45 local, Moroccan, and Tunisian human rights organizations criticized the government’s actions in the case. On June 7, El Kadi had been sentenced to six months in prison and a fine of 50,000 dinars (\$360) for unrelated charges stemming from the publication of an article advocating the inclusion of the Islamic movement Rachad in the hirak protests. In addition, the journalist was ordered to pay the judicial agent of the public treasury 100,000 dinars (\$720) and the Ministry



of Communication 300,000 dinars (\$2,160).

## **Internet Freedom**

While internet users regularly exercised their right to free expression and association online, including through online forums, social media, and email, activists reported that some postings on social media could result in arrest and questioning. Observers widely understood that the intelligence services closely monitored the activities of political and human rights activists on social media sites, including Facebook.

The law on cybercrime establishes procedures for using electronic data in prosecutions and outlines the responsibilities of internet service providers (ISPs) to cooperate with authorities. Under the law the government may conduct electronic surveillance to prevent terrorist or subversive acts and infractions against state security, pursuant to written authorization from a competent judicial authority.

By law ISPs face criminal penalties for the material and websites they host, especially if subject matters are “incompatible with morality or public opinion.” The Ministries of Justice, Interior, and Post, Information Technology, and Communication have oversight responsibilities. The law provides sentences of six months to five years in prison and fines for users who do not comply with the law, including the obligation to cooperate with law enforcement authorities against cybercrime.

For a sixth year, the government blocked access to social media sites, including Facebook and Twitter, for several days during nationwide high school examinations. The decision was in response to previous leaks of examination materials, which were posted on social media.

## **Restrictions on Academic Freedom and Cultural Events**

Academic seminars generally occurred with limited governmental interference. The Ministry of Culture reviewed the content of films before they could be shown, as well as books before importation. The Ministry of Religious Affairs did the same for all religious publications. The law gives authorities broad power to ban books that run counter to the constitution, “the Muslim religion and other religions,

national sovereignty and unity, the national identity and cultural values of society, national security and defense concerns, public order concerns, and the dignity of the human being and individual and collective rights.” It further prohibits books that “make apology for colonialism, terrorism, crime, and racism.”

Importers must submit to the ministry the title, author’s name, editor’s name, edition, year, International Standard Book Number, and number of copies to be imported. Importers of books covering the “national movement and the Algerian Revolution” must submit the entire text of the books for review, including a secondary review by the Ministry of the Moudjahidine (veterans of the revolution). The Ministry of Culture can also require a full content review of books on other topics if it chooses. The ministry has 30 days to review the importation application; in the absence of a response after 30 days, the importer may proceed with distribution of the publication. After the review, the ministry notifies the customs service of the decision to allow or ban the importation of the publication. Appeals may be made to the ministry, with no independent or judicial review provided for in the decree.

The law covering religious texts other than the Quran stated, “The content of religious books for import, regardless of format, must not undermine the religious unity of society, the national religious and public order, good morals, fundamental rights and liberties, or the law.” The importer must submit the text and other information, and the ministry must respond within 30 days. A nonresponse after this period is considered a rejection. Religious texts distributed without authorization may be seized and destroyed.

Sufi Muslim academic Said Djabelkheir’s appeal remained pending before the Supreme Court at the end of the year. In April 2021, authorities sentenced Djabelkheir to three years in prison and a fine of 50,000 dinars (\$375) for “offense to the precepts of Islam,” based on his personal Facebook account publications regarding Islamic rituals and theology. Djabelkheir said authorities did not inform him or his lawyers ahead of the court proceedings. Djabelkheir appealed the conviction and was free on bail pending the appeal.

## **b. Freedoms of Peaceful Assembly and Association**

Although the constitution provides for freedom of peaceful assembly and association, the government severely restricted the exercise of these rights.

### **Freedom of Peaceful Assembly**

The constitution provides for the right of peaceful assembly, but the government generally did not respect this right. A ban on unauthorized demonstrations in Algiers remained in effect, and civil society reported difficulty securing authorization for demonstrations. Authorities utilized the ban to prohibit assembly within the city limits. Nationwide, the government required citizens and organizations to obtain permits from the local governor, who is appointed by the national government, before holding public meetings or demonstrations. The government restricted licenses to political parties, NGOs, and other groups to hold indoor rallies or delayed permission until the eve of the event, thereby impeding organizers' publicity and outreach efforts. The DGSN reported it arrested 1,551 protesters nationwide during the year, 85 percent fewer than in 2021 primarily due to fewer demonstrations after a government crackdown ended the weekly Friday *hirak* demonstrations in mid-2021.

On January 6, the opposition party Rally for Culture and Democracy (RCD) received a notice from the Interior Ministry warning that the government would close the party's premises if RCD continued to hold unauthorized meetings. The warning came after a December 2021 meeting at its headquarters where activists called for the creation of a "front against repression and for freedoms," according to Human Rights Watch. In October, for the second time, the governor of Tizi Ouzou prohibited RCD from holding its summer meeting planned for October 20-22 in Azeffoune. On October 16, RCD initiated a legal action before the administrative court of Tizi Ouzou to cancel the ban and the party has not held its event by year's end.

Hotels in Algiers and other major cities continued their practice of refusing to sign rental contracts for meeting spaces with political parties, NGOs, and civil associations without a copy of written authorization from the Ministry of Interior for the proposed gathering. NGOs reported instances of not receiving the written

authorization in time to hold planned meetings. NGOs reported that the government threatened hotel and restaurant owners with penalties if they rented rooms to NGOs without official authorization. In most cases the NGOs continued to hold their meetings and police came to the hotels to end the gatherings or monitor proceedings. Police continued to ban unauthorized protests and disperse unauthorized gatherings, and fewer protests occurred compared to prior years.

On December 8, the governor of Bejaia refused the Algerian League for the Defense of Human Rights' (LADDH) request to hold a forum in a library commemorating international Human Rights Day.

### **Freedom of Association**

The constitution provides for the right of association, but the government restricted this right.

The law's extensive requirements and uneven enforcement served as major impediments to the development of civil society. The law grants the government wide-ranging oversight of and influence in the day-to-day activities of civil society organizations. It requires national-level civil organizations to apply to the Ministry of Interior for permission to operate. Once registered, organizations must inform the government of their activities, funding sources, and personnel, including notification of personnel changes. The law imposes an additional requirement that associations obtain government preapproval before accepting foreign funds. If organizations fail to provide required information to the government or attempt to operate with or accept foreign funds without authorization, they are subject to fines and individuals may face up to six months' imprisonment.

According to the law, associations that apply for accreditation are entitled to receive a response within two months for national organizations, 45 days for interregional-level associations, 40 days for provincial-level associations, and 30 days for communal organizations. While the Ministry of Interior oversees the accreditation process for most associations, the president of a local assembly approves applications for communal associations. Although the Ministry of Interior is responsible for authorizing associations, the government stated COVID-19 spurred the ministry to relax registration rules, specifically for health-care

charities operating on the local level, as these organizations were better positioned to assist during the pandemic.

The Ministry of Interior may deny a license to or dissolve any group regarded as a threat to the government's authority or to public order, and on several occasions it failed to grant in an expeditious fashion official recognition to NGOs, associations, religious groups, and political parties. According to the ministry, organizations receive a receipt after submitting their complete application for accreditation. In practice, this receipt is often sufficient for them to begin operating, to open a bank account, and to rent office or event space, however NGOs reported that this is not always respected. If the application is approved, the ministry issues a final accreditation document.

Many organizations reported they never received a receipt and that even with the receipt, it was difficult to conduct necessary administrative tasks without formal accreditation. Other organizations reported they never received any written response to their application request even after calling the ministry and trying to register at local police stations. The ministry maintained that organizations that were refused accreditation or that did not receive a response within the specified period could appeal to the State Council, the administrative court responsible for cases involving the government. NGOs reported that the inability to register or receive a response from the government to complete applications put them in legal jeopardy, including the threat of arrest, fines, and closure of the organization.

On September 28, international Catholic relief and development agency Caritas publicly announced it would cease operations in country after the Ministry of Interior ordered its closure. Caritas, which began operating in country in 1962, was not registered as an NGO, instead operating under the auspices of the Catholic church. Nonetheless, Caritas did have a separate employer ID number allowing it to employ 37 local and foreign staff.

On September 5, the governor of Oran ordered the closure and sealing of the premises of the Sidi El Houari Health Association. In May the governor of Oran had filed a complaint calling for the dissolution of the association for having received foreign funding without the prior consent of the competent authorities.

The government issued licenses and subsidies to domestic associations, especially youth, medical, and neighborhood associations. According to the Ministry of Interior, there was a 5 percent increase from the previous year in registered local associations (124,487) and a 4 percent increase in regional associations (1873) registered as of September. Of the 97 registration applications for associations, 55 were accepted and registered, 11 were rejected, and 31 remained in process as of September. Unregistered associations remained active, but rarely received government assistance, and citizens at times hesitated to associate with these organizations.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement and the Right to Leave the Country**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted the exercise of these rights.

**In-country Movement:** The constitution provides citizens “the right to freely choose their place of residence and to move throughout the national territory.” Citing the threat of terrorism, the government prevented overland tourist travel between the southern cities of Tamanrasset, Djanet, and Illizi.

**Foreign Travel:** The constitution states that citizens have the right to enter and exit the country. The law does not permit those younger than 18 to travel abroad without a guardian's permission. Married women younger than 18 may not travel abroad without permission from their husbands, but married women older than 18 may do so. The government did not permit young men eligible for the draft who had not completed their military service to leave the country without special authorization. The government granted such authorization to students and persons with special family circumstances.

Human rights groups have raised concerns over the government's use of extrajudicial travel bans to target journalists, activists, and critics. In August

authorities prevented journalist and human rights activist Jamila Loukil and Kaddour Chouicha, vice president of the office of the Algerian League for the Defense of Human Rights (LADDH) and prominent union activist, from traveling to Geneva to attend the Universal Periodic Review presession dedicated to civil society. Chouicha and Loukil were stopped by police at Oran airport and interrogated for two hours about the reason for their travel, their destination, and their links with UN human rights mechanisms. It was only after the plane departed that Chouicha and Loukil were able to leave the police station. Authorities stated the travel restrictions were related to terrorism charges; however, NGOs report the individuals were unaware that they were banned from international travel.

On October 24, border agents prevented journalist and editor-in-chief of the regional daily *Le Provincial*, Mustapha Bendjama, from traveling to Tunisia, citing "orders from the top." Border agents prevented Bendjama's travel without a formal travel ban by the Ministry of Justice, the sole entity with the authority under law to issue such bans.

## **e. Protection of Refugees**

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern including on Sahrawi refugee cases.

The government protected a significant number of refugees in five refugee camps near Tindouf. Many Sahrawi refugees rely on humanitarian assistance, and UNHCR reported many refugees, especially women, had not recovered jobs and other sources of income lost due to COVID-19. UNHCR, the World Food Program (WFP), UNICEF, the Algerian Red Crescent, the Sahrawi Red Crescent, and other organizations assisted Sahrawi refugees. The government had previously intervened to provide temporary support to prevent abrupt food shortages in the camps; however, Sahrawi refugee response relies on international donors' support.

UNHCR continued registering asylum seekers, determining refugee status, issuing documentation, and advocating for the adoption of legislation to protect persons in need of international protection. Despite ongoing border closures, UNHCR stated

that asylum applications rose during the year, with 2,662 recorded as of August. UNHCR registered 1,900 of these applications. UNHCR monitored and advocated for the release of refugees from migrant detention facilities.

**Access to Asylum:** The law provides for asylum or refugee status, but the government has not established a formal system through which refugees can request asylum. There were no reports the government granted refugee status and asylum to new refugee applicants during the year. According to UNHCR, the government did not accept UNHCR-determined refugee status for individuals. UNHCR reported most of its registered refugees came from Syria, Guinea, Mali, Cameroon, Nigeria, Benin, Niger, Burkina Faso, and Cote d'Ivoire, and other countries in sub-Saharan Africa. There was no evidence of any pattern of discrimination toward asylum applicants, but the lack of a formal asylum system made this difficult to assess.

**Refoulement:** Authorities conducted repatriations in coordination with consular officials from the migrants' countries of origin, but the migrants were not permitted to challenge their removal. The government stated it maintained a policy of not removing migrants registered with UNHCR, and that in a few cases it worked with UNHCR to return registered refugees who were mistakenly removed. Air Algerie signed an agreement with the IOM agreeing to provide charter flights for humanitarian supplies and migrants returning voluntarily.

Doctors Without Borders/Médecins Sans Frontières estimated the country deported more than 14,000 migrants to Niger between January and May, including to active conflict zones. Official deportations of Nigerien citizens take place under a 2014 bilateral agreement, while unofficial convoys expel thousands to Niger regardless of their country of origin. In September press reported that 847 migrants, mostly Nigeriens, arrived in northern Niger after authorities deported them. Among them were 40 women and 74 unaccompanied children.

**Abuse of Migrants and Refugees:** UNHCR reported refugees and migrants traversing land routes to and through the country continued to risk death, kidnapping, sexual- and gender-based violence, physical abuse, and other violence. Doctors Without Borders reported many migrants deported or expelled to Niger were subjected to violence and degrading treatment. During the year, 130 refugees



deported from the country reported cases of violations of their human rights during their arrest or detention, including physical and verbal abuse.

**Freedom of Movement:** The government allows Sahrawi refugees to travel to the town of Tindouf, but they must obtain special permission to leave the Tindouf-Sahrawi camp area. Sahrawi refugees generally were able to travel after seeking permission and many travel between the Sahrawi camps, other cities in the country, Spain, and Cuba.

**Employment:** The government does not formally allow refugee employment; however, many worked in the informal market and were at risk of labor exploitation due to their lack of legal status in the country. Other migrants, asylum seekers, and Malians and Syrians who had a “special status” with the government relied largely on remittances and support from family and acquaintances, as well as assistance from the Algerian Red Crescent and international aid organizations.

**Access to Basic Services:** Sahrawi refugees lived predominantly in five camps administered by the Popular Front for the Liberation of the Saguia el Hamra and Rio de Oro (POLISARIO) near the city of Tindouf. The remote location of the camps and lack of government presence resulted in a lack of access by police and courts. Other refugees, asylum seekers, and migrants had access to free public hospitals, but independent NGOs reported instances of migrants being turned away or denied treatment at health-care facilities.

**Durable Solutions:** The government did not accept refugees from foreign countries for resettlement. The Sahrawi refugees have not sought local integration or naturalization during their more than 40-year stay in the refugee camps near Tindouf, and the POLISARIO continued to call for a referendum on independence for Western Sahara. The IOM led an *Assisted Voluntary Return and Reintegration* program to help migrants return to their homes willingly with economic and social support, including personalized professional training and other socioeconomic assistance. Although the government was not a financial donor to the initiative, it did cooperate.

**Temporary Protection:** The government also provided temporary protection to individuals who may not qualify as refugees through the Algerian Red Crescent,

including to Syrians and Malians. There was no data available on the number of individuals provided temporary protection during the year.

## **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Recent Elections:** In November 2020 the country held a referendum to enact a new constitution. Restrictions on freedom of assembly and association as well as restrictions on political party activities inhibited the activity of opposition groups. The referendum passed with 66.8 percent support and 23.7 percent turnout, according to the National Independent Authority for Elections.

In June 2021 the country held legislative elections. Official voter turnout was 23 percent, the lowest in the country's history for a parliamentary election. The vote was the first held under the new electoral law.

**Political Parties and Political Participation:** The Ministry of Interior must approve political parties before they may operate legally.

Opposition political parties claimed they did not have access to public television and radio except during election campaigns. Occasionally security forces dispersed political opposition rallies and interfered with the right to organize. Since taking office in 2019, Tebboune's government has blocked foreign funding and pressured media to limit government criticism. The government used COVID-19 restrictions in the first half of the year to prevent political opposition meetings; however, the progovernment National Liberation Front and the Democratic National Rally, as well as smaller political parties participating in election campaigns, continued to meet despite restrictions.

The law prohibits parties based on religion, ethnicity, gender, language, or region, but various political parties with religious or ethnic affiliations were tolerated. According to the Ministry of Interior, in September there were 70 registered

political parties, two fewer than in 2021.

Parties must hold a party congress to elect a party leader and confirm membership before the Ministry of Interior counts them as a registered party. Membership in the Islamic Salvation Front, a political party banned since 1992, remained illegal. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements. By law political parties may not receive direct or indirect financial or material support from any foreign parties. The law also stipulates resources from campaign contributions, donations, and revenue from party activities, in addition to possible state funding, must be reported to the Ministry of Interior.

On January 20, the Ministry of Justice ordered the suspension of the Workers Party (PT), led by opposition figure Louisa Hanoune, after the Ministry of Interior filed a complaint against the party for alleged failure to meet the minimum requirements to continue their operations. The PT successfully challenged the closure order on appeal. On August 3, the Ministry of Interior sent a notice to the Democratic and Social Movement (MDS) requiring the party to cease all activities at their headquarters, due to a pending legal action against the party stemming from an April 2021 complaint. In April 2021 the Ministry of Interior had sent a notice to the MDS requesting the party stop using its headquarters to host opposition meetings, including hosting NGOs. As of November, MDS agreed to comply with the order to no longer host NGO meetings and was allowed to resume party activities.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minorities in the political process, and they did participate. The elimination of gender quotas in for the 2021 legislative elections resulted in lower female representation in parliament.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption, which were prosecuted in the courts as part of the

government's "operation clean hands" anti-corruption campaign.

**Corruption:** On July 27, courts found 530 mayors guilty of corruption related to the squandering of public money, conflict of interest, bribery, and abuse of office. These investigations were based on the complaints of citizens and elected members in their cities. The corruption cases involved senior businessmen, ministers, and governors. The Ministry of Interior reported the majority were serving prison sentences, but specific details of the sentencing were not available.

On July 19, the government installed a new anti-corruption body, the High Authority for Transparency, Prevention, and the Fight against Corruption, an independent anti-corruption entity charged with conducting administrative and financial investigations into alleged illicit wealth of public officials. The Council of the High Authority includes magistrates, national figures, and civil society representatives. The High Authority established an action plan with the United Nations Development Program for combatting corruption, including embezzlement of public funds. No information on the implementation of the plan was available by the end of the year.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic human and international rights groups generally operated with varying degrees of government restriction, and publishing their findings on human rights cases. Government officials rarely were cooperative and responsive to their views. The law requires all civil society associations to apply for operating permission, and at year's end several major civil associations remained unrecognized but tolerated.

Amnesty International maintained an office for over a decade and actively reported on human rights matters, but it has not received official authorization to operate from the Ministry of Interior. Amnesty International has received authorization to open a bank account, although the organization awaits final documentation from the government to open the account.

Although the government did not renew the registration of the Algerian League for the Defense of Human Rights, the organization had members countrywide, received independent funding, and was one of the most active independent human rights groups. The Algerian League for Human Rights, a separate but registered organization based in Constantine, had members throughout the country monitoring individual cases.

**Retribution against Human Rights Defenders (HRDs):** Human rights organizations reported incidents of retribution against human rights defenders. On February 18, police arrested hirakist Zaki Hannache and authorities charged him with “praising terrorism,” “receiving funds from an institution inside or outside the country,” and “undermining state security,” related to his human rights activism. Hannache is a human rights defender known for reporting on the arrests and imprisonments of hirak supporters. Authorities provisionally released Hannache on March 31, following a hunger strike. In November, authorities charged him with terrorism and dropped the charges a week later (see Section 2.a., National Security). On November 18 UNHCR in Tunisia, where he had fled following his release, granted refugee status to Hannache. On December 5, the UN Committee against Torture called on Tunisia to take interim measures to prevent any forced return of Hannache while it investigates the case.

In November families visiting human rights defenders, including hirak protest movement participants in a prison in Oran, reported that prison guards subjected the human rights defenders to beatings, insults, and harassment, while holding them in the terrorism wing of the prison.

**The United Nations or Other International Bodies:** The Ministry of Foreign Affairs stated budget restrictions and time constraints delayed the visit of several UN delegations in charge of human rights but asserted that the country had responded to all UN requests stemming from special procedures of the UN Human Rights Council.

The government officially recorded 3,200 forced disappearances during the 1990s, and created a national commission tasked with addressing questions posed by the families of the disappeared and providing reparations. Some victims’ families remained unsatisfied and have called for a visit by the UN Working Group on

Arbitrary Detention. The Foreign Affairs Ministry previously reported the country extended invitations to the working group in 2014 and again in 2015, but UN financial and scheduling constraints delayed their visit. The ministry claimed the United Nations would not be able to visit until at least 2023 due to continued financial and scheduling issues.

The country was elected to the UN Human Rights Council (UNHRC) for the 2014-2016 term and again in October for three years beginning January 1, 2023, but continued to deny requested visits from the UN special rapporteurs on extrajudicial executions (pending since 1998), counterterrorism and human rights (pending since 2006), and the UN Working Group on Arbitrary Detention (pending since 2009).

At the country's request, the UN Special Rapporteur on freedom of peaceful assembly and association delayed his scheduled September 12-22 visit until 2023. Prominent local human rights organizations strongly condemned the delay, accusing the government of covering up violations of freedoms of association and expression. Human rights organizations cited the forced closure of civil society organizations such as the Youth Action Rally in 2021 and health NGO Sante Sisi El Houari (SDH) on September 1, as well as legal proceedings against political parties.

**Government Human Rights Bodies:** The National Human Rights Council (CNDH) has budget autonomy and the constitutional responsibility to investigate alleged human rights abuses, officially comment on laws the government proposes, and publish an annual report that is submitted to the president, the prime minister, and the two speakers of parliament. The CNDH releases the report to the public. The CNDH reported representation in 1,541 communes and five regional delegations located in Chlef, Biskra, Setif, Bechar, and Bejaia. The CNDH reported it had 130 local volunteers and 245 representatives.

The CNDH noted that during the year it had conducted prison visits, held sessions with the Arab League and Penal Reform International, visited hospitals and nursing homes to ensure equal access to health care for vulnerable populations, and held special sessions to address climate change following wildfires in the country's northeast.

Between January 1 and July 31, the CNDH reported receiving 533 requests for assistance, a more than 40 percent drop from the previous year. The CNDH examined 531 of them, representing a more than 99 percent examination rate and roughly a 10 percent increase in the number of requests examined over the previous year. It completed 47, up one from the previous year, meaning the CNDH provided guidance or remedies for the person seeking assistance.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes rape but does not specifically address spousal rape. Prison sentences for rape range from five to 10 years and, although sex crimes were rarely reported due to cultural norms, authorities generally enforced the law. The penal code allows an adult accused of “corruption of a minor” to avoid prosecution if the accused subsequently marries his or her victim and if the crime did not involve violence, threats, or fraud. The law stipulates sentences of one year to life imprisonment for “anyone who voluntarily causes injury or blows to his or her spouse.” It also introduces penalties for verbal and psychological violence, sexual assault, harassment, and indecent assault.

Domestic violence remained a persistent problem. The law states that a person claiming domestic abuse must visit a “forensic physician” for an examination to document injuries and that the physician must determine the injuries suffered “incapacitated” the survivor for 15 days. The law prescribes up to a 20-year imprisonment for the accused, depending on the severity of injuries. If domestic violence results in death, a judge may impose a life sentence. The accused can receive a reduced sentence or avoid punishment altogether if pardoned by a spouse, which also allows the accused to avoid punishment by marrying their victim. The law also requires six months to two-years’ incarceration for men who withhold property or financial resources from their spouses. The government generally enforced these laws.

During the year the Ministry of Justice formed a commission to consider revisions to the penal code, specifically provisions concerning rape and the pardon clause for victims of domestic violence. At year’s end, the commission had received

recommendations from civil society organizations, however there had been no changes to the penal code nor action from the commission.

Government statistics did not distinguish between gender-based violence and domestic violence. The Ministry of Justice reported the volume of domestic violence complaints remained roughly the same as the previous year and the National Gendarmerie reported more than two-thirds of domestic violence victims were above the age of 30.

The Ministry for National Solidarity, Family, and Women provided psychological care, guidance, and administrative and legal support through its Social Action and Solidarity Departments teams in each of the country's provinces. The ministry operated a free domestic violence hotline for women in distress and ran a nationwide domestic-violence awareness campaign, advertising the legal options and available aid for women in domestic distress. The ministry reported that it trained its professional cadre in cooperation with UN agencies. As of September 30, the Ministry for Solidarity reported it provided services to 40 percent fewer victims of domestic violence than the same time period the previous year. The ministry provided support in less than 10 percent of cases filed with the Ministry of Justice.

The government maintained three regional women's shelters in Tipaza, Mostaganem, and Annaba and managed seven other structures for "temporary stays" for women in distress, commonly called "Diar Rahma," in the provinces of Algiers, Constantine, Oran, Skikda, Ouargla, Batna and Blida. The government also operated seven Social Emergency Mobile Assistance Services centers, providing emergency services to women in distress, in Oran, Batna, Bordj-Bou-Argeridj, Constantine, Béchar and Ouargla, as well as specialized Centers for Protection and Specialized Centers for Rehabilitation in the larger cities for girls. The government administered 31 nursing homes across 26 states, taking care of elderly women in social distress.

According to statistics from women's advocacy groups published in the local press, 100 to 150 women die each year from domestic violence. Femicides  
Algerie, an advocacy group that tracks and publicizes femicides, reported 36 women killed because of their gender in the country as of November. Local civil



society organizations noted that funding constraints limit their ability to track these cases.

Civil society organizations such as the Wassila Network coordinated medical, psychological, and legal support to survivors of sexual violence. The Wassila Network reported receiving hundreds of calls of violence against women, but noted this number was likely a fraction of actual cases since survivors of domestic violence rarely reported the abuse. Civil society organizations attributed this hesitancy to family and social pressure, as well as a lack of understanding available resources and the definition of domestic violence. The Wassila Network also noted that family and social pressure often convince the victim to forgive the aggressor, resulting in the abandonment of charges.

On October 10, a man set Ryma Anane, age 28, afire after she refused to marry him. A video filmed by the woman's mother generated significant engagement on social media. The woman was transferred to a hospital in Spain to recover from her injuries. Authorities arrested the man, who remained in prison at the end of the year pending trial. Civil society organizations were generally supportive of the government's response.

**Female Genital Mutilation and Cutting (FGM/C):** The practice was not generally used in the country but was present among immigrant communities in southern regions, particularly among sub-Saharan African migrant groups. There were no reports of any related convictions, nor any official pronouncements by religious or secular leaders proscribing the practice. FGM/C is a criminal offense punishable by up to 25 years in prison.

**Sexual Harassment:** The law criminalizes sexual harassment with a potential punishment of one to two years' imprisonment and a fine; the punishment doubles for a second offense. The government generally enforced the law effectively. Women's groups said that most reported cases of harassment occurred in the workplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Societal and family pressure restricted women from making independent decisions

regarding their health and reproductive rights. During the year the government encouraged married women to use contraception to help slow the birth rate, including through the distribution of pamphlets and other materials in health clinics.

Local civil society organizations reported a geographic disparity in access to reproductive health care, with rural communities experiencing limited access to quality care, including emergency care.

Conservative elements of society challenged the government's family-planning program, including the provision of free contraception, the distribution of educational materials, and social workers employed by municipalities who provide guidance on reproductive health care resources. The Algerian Society of Fertility and Contraception reported that more than 50 percent of women used safe, affordable, and effective contraception of their choice. Married and unmarried women had access to contraceptives, although some clinics required a prescription before dispensing birth control pills to unmarried women. Civil society organizations reported unmarried women have difficulty obtaining contraceptives through medical providers and were forced to obtain contraceptives from civil society organizations. Doctors required permission of the partner for women who sought tubal ligation. Emergency contraception was not widely available, although it could be obtained from midwives after a medical examination if the woman requested it and medical personnel deemed it appropriate. In cases of sexual assault, medical providers may provide emergency contraceptives, but they retain complete discretion and can refuse to do so.

According to World Health Organization (WHO) data, the maternal mortality rate gradually dropped from 179 deaths per 100,000 live births in 1998 to 112 deaths per 100,000 live births in 2017 (the most recent available annual data). The WHO attributed the decline to increased medical training, investments in health care, and specific government initiatives aimed at reducing maternal deaths.

**Discrimination:** Although the constitution provides for gender equality, aspects of the law and traditional social practices discriminated against women. In addition, some religious elements advocated restrictions on women's behavior, including freedom of movement. The law prohibits Muslim women from marrying

non-Muslims, although authorities did not always enforce this provision. There was a greater prevalence of conservative views of gender roles in rural parts of the country. Civil society organizations noted that women with disabilities, as well as LGBTQI+ persons faced additional discrimination, compounding gender-based discrimination.

Women may seek divorce for irreconcilable differences and violation of a prenuptial agreement. In a divorce the law provides for the wife to retain the family's home until the children reach age 18. Authorities normally awarded custody of children to the mother, but she may not make decisions regarding education or take the children out of the country without the father's authorization. The government provided a subsidy for divorced women whose former husbands failed to make child support payments.

The law affirms the religiously based practice of allowing a man to marry as many as four wives. The law permits polygamy only upon the agreement of the previous and future wife, and the determination of a judge as to the husband's financial ability to support an additional wife. It was unclear whether authorities followed the law in all cases since local authorities had significant discretion and the government did not maintain nationwide statistics.

Women suffered from discrimination in inheritance claims and were entitled to a smaller portion of an estate than male children or a deceased husband's brothers. Women did not often have exclusive control over assets that they brought to a marriage or that they earned.

Women may own businesses, enter contracts, and pursue careers similar to those of men. Women enjoyed rights equal to those of men concerning property ownership, and property titles listed female landowners' names. Minister for National Solidarity, Family, and Women, Kawter Krikou, reported that during the year 65 percent of National Agency for Management of Microcredit (ANGEM) loan recipients were women, in line with the annual average of 64 percent since ANGEM's 2004 establishment.

Women faced discrimination in employment and occupation (see section 7.d.).

## **Systemic Racial or Ethnic Violence and Discrimination**

The law criminalizes discrimination and hate speech, and the constitution prohibits discrimination based on place of birth, race, sex, opinion, or any other personal condition or circumstance. The government generally enforced the law.

According to researchers with the Algerian National Centre for Prehistoric, Anthropological and Historical Research (CNRPAH), Black Algerians and sub-Saharan African migrants were discriminated against and subject to racism. According to CNRPAH, sub-Saharan migrants in the large coastal cities of Algiers, Constantine, and Oran are typically not issued work permits or provided written contracts, limiting employment opportunities to the informal market. Human rights organizations reported that Black Algerians and sub-Saharan African migrants also face generalized discrimination at police checkpoints and on public transportation.

According to members of religious minority groups, ethnic or racial minorities were more likely to face discrimination if they were not Muslim.

## **Indigenous Peoples**

The country's Amazigh minority is not homogenous and exists in constituent subcultures throughout the country. About half of the Tamazight-speaking population is concentrated in the Kabylie region in the north of the country, including the *wilayas* (states) of Tizi Ouzou and Bejaia. The second largest Amazigh group, the Shawiya, inhabit the mountains of in the country's east. Two smaller Amazigh communities include the Mozabites in Ghardaia and the Touareg nomads in the south.

The government's 2021 designation of the Amazigh separatist group MAK as a terrorist group gives the government additional legal tools to pursue MAK-affiliated political opponents, both in the country and abroad.

Amazigh groups contend they have been losing their traditions and language to Arabization despite the 2020 constitution recognizing Tamazight as one of the country's official languages and the government's recognition in 2017 of Yennayer, the Amazigh New Year, as a national holiday. Some Amazigh groups

perceived the move to recognize the Tamazight language more as a politically motivated effort to appease those calling for greater autonomy than a genuine government effort to incorporate the Tamazight language more broadly in society. The constitution also states that all individuals, regardless of race, are equal under the law.

On December 16, a court in Algiers sentenced Kamira Nait Sid, copresident of the World Amazigh Congress (WAC), an international NGO defending the rights of the Amazigh people, to five years in prison and a fine of 100,000 dinars (\$730). In October the UN Working Group on Arbitrary Detention had called Nait Sid's release. Authorities arrested Nait Sid in the northeast province of Tizi Ouzou in August 2021 and charged her with "undermining national unity and state security" and "belonging to a terrorist organization," alleging she was a member of the MAK.

On October 6, the border police prevented two university professors specialized in the Tamazight language, Said Chemakh and Amar Laoufi, from boarding their flight from Houari Boumediene airport (Algiers) to Paris, where they were to participate in an international symposium on Amazigh theater.

## **Children**

**Birth registration:** The mother or father may transmit citizenship and nationality. By law children born to a Muslim father are Muslim, regardless of the mother's religion. The law does not differentiate between girls and boys in registration of birth.

Requests to register children born to an unknown father must be made through the Ministry of Justice. The law also states that a "person who has legally fostered a child born to an unknown father, may submit a request, on behalf and for the benefit of this child, to the public prosecutor in order to change the patronymic name of the child and make it match his own." If the child's mother is known and alive, her consent is required to change the name. Those born abroad can file a request at the diplomatic or consular center of their place of residence.

**Child Abuse:** Child abuse is illegal but continued to be a problem. The government continued to devote increasing resources and attention to it. The

Ministry of Labor reported an increase in audits of businesses accused of child exploitation, specifically in the restaurant industry. A national committee is responsible for monitoring and publishing an annual report on the rights of children. Yasmine Khouas, head of the Office of Protection of Vulnerable Persons at the Directorate General of National Security (DGSN), reported that 2,354 children were victims of violence during the first eight months of the year, a substantial decrease from 2021, which the DGSN attributed to increased enforcement.

The Ministry for National Solidarity, Family, and Women reported 51 children's shelters and centers; 31 shelters for delinquent youth, in 27 states, with eight reserved for girls; 11 shelters for children at risk of violence, in nine states, with three reserved for girls; and eight multipurpose youth centers, in eight states, with one reserved for girls.

The law that established the National Body for the Protection and Promotion of Children (ONPPE) to address children's matters gives judges authority to remove children from an abusive home and allows sexually abused children to provide testimony on video rather than in court. During the year, the ONPPE operated a toll-free phone line for reports of ill-treatment and infringement of children's rights. These reports were divided roughly equally between boys and girls.

During the year the ONPPE handled 42,6019 telephone calls received on its toll-free number and received 897 reports related to the infringement of children rights, identifying 1,780 children in danger, which included 804 girls and 976 boys. Regarding ill-treatment, the ONPPE registered 236 reports concerning 611 children, including 330 boys and 281 girls.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 19 for both men and women, but minors may marry if there is parental consent, regardless of gender. The law forbids legal guardians from forcing minors under their care to marry against the minor's will. The Ministry of Religious Affairs required that couples present a government-issued marriage certificate before permitting imams to conduct religious marriage ceremonies.

**Sexual Exploitation of Children:** The law prohibits solicitation for commercial

sex, as well as the sale or grooming of children, child pornography, and child sex trafficking. The law stipulates prison sentences of between 10 and 20 years when the offense is committed against a minor younger than 18. By law the age for consensual sex is 16. The law stipulates a prison sentence of between 10 and 20 years for rape when the survivor is a minor. Authorities generally enforced the law.

The ONPPE cited sexual exploitation of children in 30 reports concerning 64 children, of which 38 were girls and 26 boys, and coordinated with relevant law enforcement authorities.

## **Antisemitism**

The country's Jewish population numbered fewer than 200 persons.

Religious and civil society leaders reported that the Jewish community faced unofficial, religion-based obstacles to government employment and administrative difficulties when working with government bureaucracy.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law criminalizes public indecency and consensual same-sex sexual acts between adult men or between adult women, with penalties that include imprisonment of six months to three years and a fine. The law does not define public indecency, but it is understood to mean an “immoral” intimate act performed in public, judged by cultural or religious standards. The law also criminalizes “homosexual acts,” which are legally unspecified but understood to mean any behavior suggestive of a homosexual orientation and stipulates penalties of two months’ to two years’ imprisonment and fines. If a minor is involved, the adult may face up to three years’ imprisonment and a fine. LGBTQI+ activists

reported that the vague wording of laws criminalizing “homosexual acts” and “acts against nature” permitted sweeping accusations that resulted in multiple arrests for consensual same-sex sexual acts, but no known prosecutions, during the year. LGBTQI+ status is not criminalized; however, LGBTQI+ persons may face criminal prosecution under facially neutral legal provisions that are disproportionately applied against LGBTQI+ persons, such as laws concerning commercial sex, public indecency, and “associating with bad characters.” NGOs reported that judges gave harsher sentences to LGBTQI+ persons for the above crimes compared to non-LGBTQI+ persons. An NGO reported that within the LGBTQI+ community, men were targeted more often than women; however, LGBTQI+ activists noted that lesbian, bisexual and trans women faced additional discrimination based on their gender.

**Violence against LGBTQI+ Persons:** LGBTQI+ activists reported hostility against the LGBTQI+ community increased and typically emanated from the younger generation. Activists reported that members of the LGBTQI+ community were often followed and intimidated, and sometimes the harassment escalated to physical violence.

LGBTQI+ community members reported that members had been targeted by criminals via social messaging and dating apps. Victims were robbed, extorted, beaten, or preyed upon with impunity; victims were too fearful to report to police, believing they would instead be prosecuted.

On November 16, a video circulated on social media of men in Batna assaulting an individual they perceived to be gay via his popular TikTok videos, in which he dresses as a woman. Commenters on the video were widely supportive of the men perpetrating the violence.

**Discrimination:** The constitution states that all citizens are equal before the law; however, the law does not extend antidiscrimination protections to LGBTQI+ persons based on sexual orientation, gender identity or expression, or sex characteristics. Government officials did not act to prevent discrimination against LGBTQI+ persons. LGBTQI+ persons faced discrimination in accessing health services, such as longer wait times, refusal of treatment, and shaming. Some organizations maintained a list of “LGBTQI+-friendly” hospitals, and several



NGOs operated mobile clinics specifically for vulnerable communities. NGOs reported that employers refused jobs to LGBTQI+ persons, particularly men perceived as effeminate. LGBTQI+ activists also noted police and government harassment while obtaining services, such as at airports.

Activists said only certain employers would hire persons perceived to be LGBTQI+. Lawyers versed in LGBTQI+ issues were not widely accessible, and other lawyers feared getting involved with the cases of LGBTQI+ persons. LGBTQI+ leaders said journalists were aware of the community's situation, and although many were sympathetic, most would not report on LGBTQI+ discrimination, and that state censorship would not permit the stories to be published regardless.

LGBTQI+ activists said the political and economic crises – particularly combined with LGBTQI+ discrimination in medical and legal services and in employment – were intensifying other psychological issues within their community, such as depression and anxiety. LGBTQI+ activists described the lingering isolation and heavy emotional toll COVID-19 lockdown measures had taken on their community, during which many members returned to hometowns outside of major cities and often faced intense discrimination from relatives and neighbors.

**Availability of Legal Gender Recognition:** Legal gender recognition is not available in the country.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Activists reported that social and family pressures were so oppressive that LGBTQI+ identity is driven underground and rarely acknowledged. Activists reported that authority figures in schools and religious institutions emphasized traditional gender roles and disciplined children perceived to be LGBTQI+.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** During the year, LGBTQI+ NGOs organized virtual and in-person meetings, despite reporting government harassment, including threats of imprisonment. No LGBTQI+ NGOs operating in the country were registered with the government and therefore none have authorization to operate. Activists attributed their

organizations' unregistered status to the criminalization of homosexual acts.

On December 30, the government launched a campaign against LGBTQI+ symbols which it stated would run for a week in January 2023. The government reported its aim was to warn the public about the dangers of products carrying rainbow images, including the “harmful consequences of marketing these products on the national market...especially as it concerns toys for children, school items, etc.” Civil society expressed concern about the campaign stigmatizing the LGBTQI+ community.

## **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities and provides for equal access to public services, although the government did not always effectively enforce these provisions. Persons with disabilities reported challenges in access to education, public services, transportation, and employment, (see section 7.d.). The government engaged in public education campaigns on disability rights and societal acceptance.

The CNDH committee worked to increase access to education and employment for persons with disabilities through education. The Ministry of National Solidarity, Family, and Women's Affairs provided some financial support to health-care-oriented NGOs for persons with disabilities, but for many NGOs, such financial support represented a small fraction of their budgets. The government provided disability benefits to persons with disabilities who registered and doubled the disability allowance to 10,000 dinars (\$72), although it placed significant restrictions on beneficiaries. Employers who recruit persons with disabilities benefit from a 50 percent reduction in the employer's share of social security contributions.

The National Agency for Employment started using the information system “El Wassit,” a special section for disabled job seekers, and trained 304 advisers to assist disabled applicants. The Ministry of National Solidarity, Family, and Women's Affairs operated 24 schools for visually impaired children, 46 schools for hearing impaired children, 8 psychopedagogical centers for children with motor disabilities, and 160 psychopedagogical centers for mentally disabled children. It

also ran 238 centers throughout the country that provided support for persons with intellectual, auditory, vision, and physical disabilities.

The ministry reported the National Training Center of Constantine conducted training for professionals working with children with disabilities, in all 58 states. Training included how to work with children with sensory difficulties and children with autism. The center, through its branches in other states provided training on new approaches in the care of autistic children, for the benefit of 514 practitioners, as well as trainings for 567 teachers of special education, psychologists, and educators working in psychopedagogical centers for mentally disabled children and integrated classes.

Many persons with disabilities struggled to acquire assistive devices and noted the National Office of Apparatus and Accessories for the Handicapped did not have a presence in all provinces.

The Ministry of National Solidarity, Family, and Women's Affairs stated that it worked with the Ministry of Education to integrate children with disabilities into public schools to promote inclusion. Most of the ministry's programs for children with disabilities remained in social centers for children with disabilities rather than in formal educational institutions. Advocacy groups reported that children with disabilities rarely attended school past the secondary level. Many schools lacked teachers trained to work with children with disabilities, threatening the viability of efforts to mainstream children with disabilities into public schools. For the 2021-22 school year, the government reported it had added or promoted 2,081 instructors to assist children with disabilities, including 514 practitioners for children with autism, 567 master teachers', 400 teachers', and 600 school assistants' positions. The government also reported it limited class sizes for children with auditory, visual, and mental disabilities.

Many persons with disabilities faced challenges casting ballots due to voting centers that lacked accessible features.

## **Other Societal Violence or Discrimination**

Social stigmas associated with persons in commercial sex, men who have sexual relations with men, and drug users deterred testing of these HIV-vulnerable groups.

The government reported it did not take measures to specifically prevent and treat HIV and AIDS in the LGBTQI+ community. Members of the country's LGBTQI+ community reported pre-exposure prophylaxis was not available.

Several religious groups, including the Ahmadiyya Muslim community and the Protestant Church of Algeria (EPA) reported discrimination by government authorities. The Ahmadiyya Muslim community and the EPA said the government failed to act on their registration applications, leaving them without legal status and subject to prosecution for practicing their faith (see section 2. a.).

## **Section 7. Worker Rights.**

### **a. Freedom of Association and the Right to Collective Bargaining**

The constitution allows for the right of workers to join and form unions of their choice. Amendments enacted in April provide the right for foreign workers to join unions. The law requires that workers obtain government approval to form a union, and the Ministry of Labor must approve or disapprove a union application within 30 days. To form a union, the prospective president of the union must be Algerian by birth or have held Algerian nationality for 10 years. Joining a union is open to all workers, regardless of nationality. To be registered, the union's membership must account for at least 20 percent of an enterprise's workforce and must meet or exceed that threshold at the beginning of any given calendar year in which the union seeks to engage in collective bargaining. Unions may recruit members at the workplace. Unions have the right to form and join federations or confederations. The law permits unions to affiliate with international labor bodies and develop relations with foreign labor groups. For example, the General Union of Algerian Workers (UGTA), which represented most public-sector workers, is an affiliate of the International Trade Union Confederation. The law prohibits unions from associating with political parties or receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The government may invalidate a union's legal status if authorities perceive its objectives to be contrary to the established institutional system, public order, good morals, law, or regulations.

The law provides for collective bargaining by all unions, and the government

permitted the exercise of this right. Nevertheless, the UGTA remained the only union authorized to negotiate collective bargaining agreements during the annual tripartite meeting, which is an annual meeting of government representatives, business owners, and union representatives. Collective bargaining for public-sector workers is usually restricted to the tripartite meeting. Other authorized unions can bargain with business owners in limited circumstances.

The law provides for the right to conduct legal strikes, and workers exercised this right, subject to conditions. By law the right to strike only arises where a dispute persists after conciliation and mediation procedures have been exhausted. Striking requires a majority vote by secret ballot of the whole workforce. The right to strike is only protected with respect to collective labor disputes between workers and employers within the enterprise. The government may restrict strikes if they “are liable to give rise to a serious economic crisis” or if they run afoul of other ambiguous grounds. Furthermore, all public demonstrations, including protests and strikes, must receive prior government authorization. The law requires that a minimum level of essential public services must be maintained during public-sector service strikes, and the government has broad legal authority to require public employees to work. The list of essential services included banking, radio, and television. Penalties for unlawful work stoppages range from eight days to two months imprisonment.

The law prohibits discrimination by employers against union members and organizers and provides mechanisms for resolving trade union complaints of employers’ antiunion practices. Amendments to the law provided new protection to union representatives, expanding collective bargaining rights to more unions, previously limited to UGTA, regardless of sector. Penalties were commensurate with penalties for similar crimes. Penalties were sometimes applied against violators.

Abuses in the workplaces still occurred. The government reported 99 trade unions and 61 employers’ organizations in its registry, but many trade unions remained unrecognized by the government; they identified delayed processing and administrative hurdles as the primary obstacles to establishing legal status. Representatives of the National Autonomous Union for Public Administration Personnel (SNAPAP) stated that their union continued to function, but without

official status, leaving it without standing to engage in collective bargaining.

Attempts by new unions to form federations or confederations faced similar challenges. The General Autonomous Confederation of Workers in Algeria (CGATA), an independent trade union confederation that includes workers from unions representing government administrators, diplomatic personnel, state electricity and gas employees, university professors, public transport and postal workers, lawyers, and migrant workers, requested official recognition under new regulations, but had not received a response by year end.

SNAPAP and other independent unions faced government interference throughout the year, including official obstruction of general assembly meetings and police harassment during sit-in protests. Furthermore, the government restricted union activities and the formation of independent unions in certain critical public services sectors, such as oil and gas and telecommunications. The International Trade Union Confederation reported that judicial abuse of trade union leaders had intensified.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor. The government did not always enforce the law. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

NGOs reported that irregular migrants were vulnerable to forced labor and that their lack of work permits made them more vulnerable to exploitation. For example, migrant women were subjected to debt bondage as they worked to repay smuggling debts through domestic servitude, forced begging, and exploitation. Construction workers and domestic workers were reportedly vulnerable.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment, salary, and work environment based on age, gender, social and marital status, family links, political conviction, disability, national origin, and affiliation with a union. The law does not explicitly prohibit discrimination with respect to employment based on sexual orientation, HIV-positive status, or religion. Penalties for violations were commensurate with other laws on civil rights. Penalties were sometimes applied against violators.

Although the law states women should receive a salary equal to men, leaders of women's organizations reported discrimination was common and that women were less likely to receive equal pay for equal work or promotions, particularly in the private sector. Men held a large percentage of positions of authority in government and the private sector, and women reported facing employment discrimination with job offers being extended to less qualified male applicants. The law restricts women from working during certain hours of the day and does not permit women to work in jobs deemed arduous. In addition to the legislative provisions in force, employers must ensure that the work entrusted to women, minors, and persons with disabilities does not "require an effort exceeding their strength."

Few businesses abided by the law requiring that they reserve 1 percent of jobs for persons with disabilities. NGOs reported that the government did not always enforce payment of fines for failing to abide by the law. The Ministry of Labor reported it had increased efforts to enforce the 1 percent quota during the year, inspecting 236 businesses to verify compliance. The ministry issued 65 formal notices to noncompliant employers for failure to adhere to the quota.

Discrimination reportedly existed against migrant workers in the informal economy who lacked a legal means to address unfair working conditions. Women, girls, and young men and children from sub-Saharan Africa were particularly vulnerable, especially those who had been lured into the country to accept jobs in the informal economy but were sometimes subjected to forced labor conditions. NGOs reported instances in which unaccompanied migrant girls were exploited as domestic workers and were known to be loaned out to families for extended

periods to work in homes or exploited as prostitutes.

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** A tripartite social pact among business, government, and the official union established a national, monthly minimum wage which is above the poverty income level.

The standard workweek was 40 hours, including one hour for lunch per day. Half of the lunch hour is considered compensated working time. Employees who worked longer than the standard workweek received premium pay on a sliding scale from time-and-a-half to double time, depending on whether the overtime occurred on a normal workday, a weekend, or a holiday.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were appropriate for the main industries in the country. Responsibility for identifying unsafe situations remains with OSH experts under the Ministry of Labor and not the worker, based on hazards inherent to the nature of work. The law provides workers the right to remove themselves from a hazardous workplace without jeopardizing their employment. There were no known reports of workers dismissed for removing themselves from hazardous working conditions. If workers face such conditions, they may renegotiate their contracts or, failing that, resort to the courts. While this legal mechanism existed, the high demand for employment in the country gave an advantage to employers seeking to exploit employees.

**Wage, Hour, and OSH Enforcement:** The government generally enforced occupational safety and health laws. Penalties for violations were commensurate with those for crimes like negligence. Penalties were regularly applied against violators.

There are eight regional inspection divisions that fall under the Ministry of Labor, covering all 58 states. The inspection divisions employed an insufficient number of labor inspectors to enforce compliance, due to the large informal sector. Inspectors have the authority and mandate to conduct unauthorized visits. In March 2022, the Autonomous National Union for Labor Inspectors (SNAIT) created in 2019, initiated a five-day strike calling for better working conditions and



increased pay, however SNAIT ended the strike with the promise of a future increase in compensation.

**Informal Sector:** The government's labor laws do not formally allow refugee employment or adequately cover migrant laborers; therefore, many economic migrants from sub-Saharan Africa and elsewhere who worked in the informal sector, primarily in construction, the restaurant industry, and as domestic workers, were at risk of labor exploitation due to their lack of legal status. The IMF reported that roughly 30 percent of workers in country are employed in the informal sector.

The government requires employers to declare their employees to the Ministry of Labor and to pay social security benefits. The government allowed undeclared workers to gain credit for social security and retirement benefits for time spent in the informal economy if they repay any taxes owed after registering.